

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IDRIS LITTMAN,

Plaintiff,

-against-

9:05-CV-1104
(LEK/GHL)

DANIEL SENKOWSKI, Superintendent, Clinton Correctional Facility; D. MEIER, Inmate Records Coordinator, Clinton Correctional Facility; JOHN DOE # 1, Superintendent, Downstate Correctional Facility; and JOHN DOE # 2, Inmate Records Coordinator, Downstate Correctional Facility,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on December 31, 2007, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 22).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 22) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion for summary judgment (Dkt. No. 18) is **GRANTED** and Plaintiff's claims against Senkowski and Meier are **DISMISSED with prejudice**; and it is further

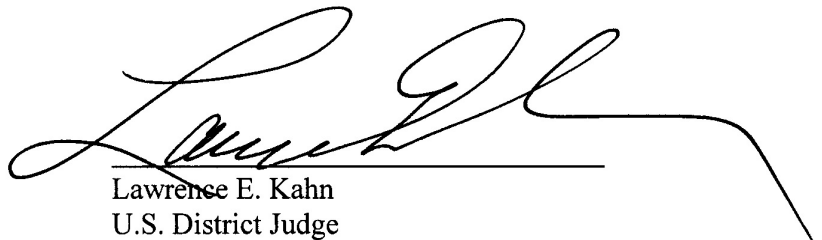
ORDERED, that Plaintiff's claims against John Doe #1 and John Doe # 2 be **DISMISSED with prejudice** due to the applicable statute of limitations (for the reasons set forth in Part III. A of the Report-Recommendation), or in the alternative, due to Plaintiff's failure to serve or even name those individuals, in violation of Fed. R. Civ. P 4(m), 16(f), and/or 41(b); and it is further

ORDERED, that any appeal taken from the Court's final judgment in this action would not be taken in good faith pursuant to 28 U.S.C. 1915(a)(3); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: February 11, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge